

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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TERRANCE L. LAVOLL,

Case No. 2:19-cv-02249-GMN-EJY

Petitioner, ORDER

v.

JERRY HOWELL, et al.,

Respondents.

28 U.S.C. § 2254 pro se habeas corpus petitioner Terrance L. Lavoll has filed a motion for appointment of counsel (ECF No. 11). The motion is granted.

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th

1 Cir.1970). Here, it is unclear whether Lavoll has complex claims. Further, he is serving
2 lengthy sentences. In order to ensure due process, the court grants Lavoll's motion for
3 counsel.

4 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of
5 counsel (ECF No. 11) is **GRANTED**.

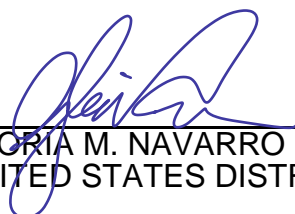
6 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of
7 Nevada (FPD) is appointed to represent petitioner.
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9 **IT IS FURTHER ORDERED** that the Clerk electronically serve the FPD a copy of
10 this order, together with a copy of the petition for writ of habeas corpus (ECF No. 5).
11 The FPD has 30 days from the date of entry of this order to file a notice of appearance
12 or to indicate to the court its inability to represent petitioner in these proceedings.

13 **IT IS FURTHER ORDERED** that the briefing schedule set forth in ECF No. 9 is
14 **VACATED**.

15 **IT IS FURTHER ORDERED** that after counsel has appeared for petitioner in this
16 case, the court will issue a scheduling order, which will, among other things, set a
17 deadline for the filing of an amended petition.
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20 DATED: 30 June 2020.

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24 GLORIA M. NAVARRO
25 UNITED STATES DISTRICT JUDGE
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